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## AMINEDDOLEH&ASSOCIATESLLC

July 22, 2020

**VIA ECF**

Honorable Vernon S. Broderick  
United District Judge  
United States District Court  
Southern District of New York  
Thurgood Marshall United States Courthouse 40 Foley Square, Courtroom 415  
New York, NY 10007

Re: *Safani Gallery v. The Italian Republic*,  
Civil Action No. 1:19-10507-VSB Extension of Time

Dear Judge Broderick:

We represent the Defendant, the Italian Republic, in the above-captioned matter. I am writing to Your Honor today pursuant to Rule 1.A and 1.G and consistent with Rule 4.G of Your Honor's Individual Rules and Practices in Civil Cases and consistent with the Court's Local Rules.

The Order issued by your Court on June 25, 2020, provided, *inter alia*, that if Plaintiff intends to file an Amended Complaint, it must be done by July 13, 2020. [ECF #16]. The same Order provided that Defendant must file a response, if any, by August 5, 2020. Plaintiff filed a CONSENT LETTER MOTION for Extension of Time to Amend *Complaint* on July 7, 2020. [ECF #17]. On July 9, 2020 you granted the requested extension, thereby setting the new deadline for filing an Amended Complaint on July 20, 2020. [ECF #18].

We will not be renewing our Motion to Dismiss (ECF #13-15) because the Plaintiff's Amended Complaint is substantially different from the original *Complaint*, making a considerable portion of our Motion to Dismiss no longer relevant. We intend to file a new Motion to Dismiss Plaintiff's Amended Complaint. In light of these circumstances, we kindly request a fourteen (14) day extension of time, from August 5, 2020 to August 19, 2020 to file the new Motion to Dismiss.

This is Defendant's third request for an extension of time in this matter. Plaintiff's counsel consents to extending the filing deadline. We make this request because multiple new arguments raised in the Amended Complaint must be addressed. Plaintiff's extension of time reduced the time originally allocated to the Italian Republic for preparing an appropriate response or motion. Furthermore, the Italian government continues to incur significant delays in communication due to the ongoing COVID-19 pandemic. As there is no scheduling order in place yet, the extension would not affect any other scheduled dates.

We apologize for requesting a third extension of time in this case. I certify, under penalty of perjury, that the foregoing is true and correct.

We thank Your Honor for the Court's consideration in this matter, and we hope for the Court's health and safety during these turbulent times.

Respectfully submitted,

/s/ Leila A. Amineddoleh

cc: David Schoen (via ECF)

Polina Ivko (via ECF)

APPLICATION GRANTED

SO ORDERED 

VERNON S. BRODERICK

U.S.D.J. 7/29/2020

Defendant's pending motion to dismiss is denied as moot in light of Plaintiff's Amended Complaint. See *Pettaway v. Nat'l Recovery Solutions*, 955 F.3d 299 (2d Cir. 2020) ("[W]hen a plaintiff properly amends her complaint after a defendant has filed a motion to dismiss that is still pending, the district court has the option of either denying the pending motion as moot or evaluating the motion in light of the facts alleged in the amended complaint.")